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7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of

FPPC No.: 05/735

12 BUILDING INDUSTRIES ASSOCIATION OF
13 CENTRAL CALIFORNIA POLITICAL
14 ACTION COMMITTEE AND STEPHEN D.
15 MADISON,
16

STIPULATION, DECISION, and
ORDER

17 Respondents.
18

19 Complainant Michael B. Salerno, Executive Director of the Fair Political Practices
20 Commission, and Respondents Building Industry Association of Central California Political
21 Action Committee (“BIACC PAC”) and Stephen D. Madison hereby agree that this stipulation
22 will be submitted for consideration by the Fair Political Practices Commission at its next
23 regularly scheduled meeting.

24 The parties agree to enter into this stipulation to resolve all factual and legal issues raised
25 in this matter and to reach a final disposition without the necessity of holding an administrative
26 hearing to determine the liability of Respondents.

27 Respondents understand, and hereby knowingly and voluntarily waive, any and all
28 procedural rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and

1 in Sections 18361.1 through 18361.9 of Title 2 of the California Code of Regulations. This
2 includes, but is not limited to, the right to personally appear at any administrative hearing held in
3 this matter, to be represented by an attorney at Respondents' own expense, to confront and cross-
4 examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to
5 have an impartial administrative law judge preside over the hearing as a hearing officer, and to
6 have the matter judicially reviewed.

7 It is further stipulated and agreed that Respondents BIACC PAC and Stephen D. Madison
8 violated the Political Reform Act by failing to: (1) timely file three semi-annual campaign
9 statements electronically (1 count), in violation of Section 84605, subdivision (b) of the
10 Government Code, (2) timely file a pre-election campaign statement in paper format and
11 electronically (1 count), in violation of Section 84200.7 and Section 84605, subdivision (b), of
12 the Government Code, and (3) timely file four late contribution reports electronically (2 counts),
13 in violation of Section 84605, subdivision (b), of the Government Code. Exhibit 1 is attached
14 hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and
15 accurate summary of the facts in this matter.

16 Respondents agree to the issuance of the decision and order, which is attached hereto.
17 Respondents also agree to the Commission imposing upon them an administrative penalty in the
18 amount of Five Thousand Seven Hundred Twenty Five (\$5,725). A cashier's check from
19 Respondents in said amount, made payable to the "General Fund of the State of California," is
20 submitted with this stipulation as full payment of the administrative penalty, and shall be held by
21 the State of California until the Commission issues its decision and order regarding this matter.
22 The parties agree that in the event the Commission refuses to accept this stipulation, it shall
23 become null and void, and within fifteen (15) business days after the Commission meeting at
24 which the stipulation is rejected, all payments tendered by Respondents in connection with this
25 stipulation shall be reimbursed to Respondents. Respondents further stipulate and agree that in
26 the event the Commission rejects the stipulation, and a full evidentiary hearing before the
27 Commission becomes necessary, neither any member of the Commission, nor the Executive
28 Director, shall be disqualified because of prior consideration of this stipulation.

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3 Dated: _____

Michael B. Salerno, Executive Director
Fair Political Practices Commission

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7 Dated: _____

Stephen D. Madison, individually and on
Behalf of Building Industry Association of
Central California Political Action Committee,
Respondents

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11 **DECISION AND ORDER**

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13 The foregoing stipulation of the parties “In the Matter of Building Industry Association
14 of Central California Political Action Committee and Stephen D. Madison, FPPC No. 05/735,”
15 including all attached exhibits, is hereby accepted as the final decision and order of the Fair
16 Political Practices Commission, effective upon execution below by the Chairman.

17 IT IS SO ORDERED.
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19
20 Dated: _____

Ross Johnson, Chairman
Fair Political Practices Commission